

*Presented by the North Carolina Board
of Health.*

ONE ASPECT OF THE SUBJECT

OF

MEDICAL EXAMINATION,

AS SET FORTH IN THE WORK OF THE

North Carolina Board of Medical Examiners.

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REPORT OF THE SECRETARY
OF THE
NORTH CAROLINA BOARD OF HEALTH,
ON ONE ASPECT OF THE
SUBJECT OF MEDICAL EDUCATION, AS SET FORTH IN THE
WORK OF THE MEDICAL EXAMINING BOARD.

M. WHITEHEAD, M. D.,

President of the North Carolina Board of Health :

DEAR SIR:—At the last meeting of the State Medical Society, in Raleigh, on the 20th—23d May, the work of the Board of Examiners came prominently forward, it being the outgoing of the *fourth* and incoming of the *fifth* Board. The retiring Board, through its Secretary, read an account of the work done for six years, and reviewed the entire work of all the Boards since their inauguration in 1859. This report was thoughtfully received, as you will observe by examining the transactions of the State Medical Society for 1884, and it was earnestly desired that the outcome of the endeavors of the profession, as partially represented in such a practical and concrete form, should be fairly set before the people of North Carolina. It was justly conceived that if the people were fully apprised of the fidelity with which the State Society and Board of Examiners had used its trust, many times doubling the talents entrusted to them, that they the people would in due time instruct their representatives to accord due credit for such work, and demand that the powers of the Board of Examiners should be increased. It seemed to be the unanimous feeling of the

Society that there was not a wide-spread information among the people of the State as to our aims and objects, and that only a small number had ever conceived the truth of the situation, which is this: that the medical profession of the State had voluntarily taken upon themselves the task of working out the problem of providing the people with better doctors, and so in a great measure adding to the comfort and happiness of the people, and prolonging life; furthermore, that they had undertaken the work at their own expense, with no expectation of present or future pecuniary reward.

The Board of Health, willing to do its share in the work of informing the people as above recited, agreed to take up the subject, and add such matter as would give a proper conception of what was being done by neighboring States in the same direction, and so rest our cause upon the actual facts.

Respectfully yours,

THOMAS F. WOOD, M. D.,

Secretary.

Wilmington, N. C., Sept. 4th, 1884.

THE WORK OF MEDICAL PROGRESS IN NORTH CAROLINA.

WHAT OTHER STATES ARE DOING.

Half of the indifference of a people to their own institutions lies in a lack of information of their working, of their aims, of their possibilities. Animosity frequently has its origin just here, because not being informed and not knowing where to go to seek for information, they take scraps of knowledge at second-hand and upon this found their dislikes. The Medical Profession does not propose now to come before the people of the State to set forth complaints, for the object of this report is to greet the thinking citizen with a cheering account of stewardship in one field of its labors. It comes as a profession whose interests are inseparably connected with the every day affairs of the men, women and children of this land, to show what a satisfactory result has been wrought out from small beginnings, and to enlist them in their own cause—for it is only in part the cause of the doctors—and to say that encouraged by the past, rich in experience gained by twenty-five years of conscientious endeavor, they are still willing to take the lead.

When the Legislature of 1859 passed the law incorporating the Medical Society of North Carolina, and the Board of Medical Examiners, the importance of the act was not in the smallest degree realized by any but the authors of it. The opposition directed against it was of vital force, although it perhaps was the fear on the part of the lawmakers that they might go too far, in an untried field, rather than any intention of doing harm. At any rate, all motives aside, the law as it was first recorded was emasculate and hardly worthy of acceptance on the part of the memorialists. The amended form of the law, as it now stands is as follows:

REPORT OF THE SECRETARY OF THE
MEDICAL SOCIETY.

SEC. 3121. The association of regularly graduated physicians, calling themselves "The State Medical Society," is hereby declared to be a body politic and corporate, to be known and distinguished by the name of "The Medical Society of the State of North Carolina."

SEC. 3122. No person who shall practice medicine or surgery, nor any of the branches thereof, nor in any case prescribe for the cure of diseases for fee or reward, unless he shall have been first licensed to do so in the manner hereinafter provided: *Provided*, no person who shall practice in violation of this chapter shall be guilty of a misdemeanor.

SEC. 3123. In order to the proper regulation of the practice of medicine and surgery, there shall be established a board of regularly graduated physicians, to be known by the title of "The Board of Medical Examiners of the State of North Carolina," which shall consist of seven regularly graduated physicians.

SEC. 3124. It shall be the duty of the said Board to examine all applicants for license to practice medicine or surgery, or any of the branches thereof, on the following branches of medical science: anatomy, physiology, surgery, pathology, medical hygiene, chemistry, pharmacy, materia medica, therapeutics, obstetrics and practice of medicine, and if on such examination they be found competent, to grant to each applicant a license or diploma, authorizing him to practice medicine and surgery, or any of the branches thereof: *Provided*, five members of the Board shall constitute a quorum and four of those present shall be agreed as to the qualification of the applicant.

SEC. 3125. To prevent delay and inconvenience, two members of the Board of Medical Examiners may grant a temporary license to any applicant and make report thereof to the next regular meeting of the Board for confirmation: *Provided*, such temporary license shall not continue in force longer than the next regular meeting of the Board, and such temporary license shall in no case be granted after the applicant has been refused a license by the Board of Medical Examiners.

SEC. 3126. The Medical Society shall have power to appoint the Board of Medical Examiners.

SEC. 3127. The Board of Medical Examiners shall assemble at the same time and places, when and where the Medical Society assembles, which Society shall assemble at least once in every year at such time and place as the said Society, at its next preceding meeting,

shall have fixed; and the said Board shall remain in session from day to day, until all applicants who may present themselves for examination within the first five days after its meeting shall have been examined and disposed of.

SEC. 3128. The Board of Medical Examiners are authorized to elect all such officers, and to frame all such by-laws as may be necessary, and in the event of any vacancy by death, resignation or otherwise, of any member of said Board, the Board, or a quorum thereof, is empowered to fill such vacancy.

SEC. 3129. The Board of Examiners shall keep a regular record of its proceedings in a book kept for that purpose, which shall always be open for inspection, and shall cause to be entered on a book kept for the purpose the name of each applicant for license, and the name of each applicant licensed to practice medicine and surgery, and the time of granting the same, together with the names of the members of the Board present, and shall publish the names of those licensed in two of the newspapers published in the city of Raleigh, within thirty days after the granting of the same.

SEC. 3130. The Board shall have power to demand of every applicant thus licensed the sum of ten dollars before issuing a license or diploma, and the sum of five dollars for each temporary license, to be paid to the Secretary of the Board.

SEC. 3131. The members of the said Board shall receive as a compensation for their services four dollars per day during the time of their session and in addition thereto their traveling expenses to and from their places of meeting by the most direct route from their respective places of residence, to be paid by the Secretary of the Board out any moneys in his hands, upon the certificate of the President of the Board of Medical Examiners.

SEC. 3132. Any person who shall practice medicine or surgery without having first applied for and obtained license from the said Board of Medical Examiners, shall not be entitled to sue for or recover before any court any medical bill for services rendered in the practice of medicine or surgery or any of the branches thereof.

SEC. 3133. The said Board shall have power to rescind any license granted by them when upon satisfactory proof it shall appear that any physician thus licensed has been guilty of grossly immoral conduct.

SEC. 3134. The Secretary of the Board of Medical Examiners shall give bond with good surety, to the President of the Board, for the safe-keeping and proper payment of all moneys that may come into his hands.—Chap. 34, new Code of N. C.

A careful perusal of the above law, in the light which we are enabled to throw upon it, will convince any one of its inadequacy. That it has worked well, and that it has materially accomplished the intentions of the framers of it, is due to the moral influence which the profession has been able to throw around it, and as a consequence, to the support which the public—at least that portion of it informed of its objects—gave to its maintenance.

Now having presented the law, almost sterile in its requirements, it gives us pleasure to lay before the citizens of North Carolina the fruits which the law has produced :

REPORT OF THE FOURTH BOARD OF MEDICAL EXAMINERS OF THE STATE OF NORTH CAROLINA,
AT THE CONCLUSION OF THEIR
TERM OF OFFICE—(1879-'84)—
MAY 25TH, 1884.

The Legislature of North Carolina, on the 17th of February, 1859, passed "An act to incorporate the Medical Society of the State of North Carolina, and for the establishment of a Medical Board of Examiners." In this paper a brief history is given of the work accomplished by the Board of Medical Examiners during the twenty-five years of its existence.

The law as originally passed required the Medical Examiners to meet alternately in Raleigh and Morganton, on the first Monday in May of every year. Only in 1881 was the law so amended that they were allowed to meet at the same times and places as the Medical Society assembled, and traveling expenses and a small per diem were to be paid out of such money as they might receive from the granting of licenses. That under such difficulties and hardships the Board maintained its existence, is certainly creditable to the medical profession in North Carolina.

The first Board, elected in 1859, was composed of the following gentlemen :

Dr. JAS. H. DICKSON, of Wilmington, President.

" CHAS. E. JOHNSON, of Raleigh.

" CALKB WINSLOW, of Hertford.

" OTIS F. MANSON, of Townsville, now of Richmond, Va.

Dr. WM. H. MCKEE, of Raleigh.

“ CHRISTOPHER HAPFOLDT, of Morganton.

“ J. GRAHAM TULL, of Newbern.

SAMUEL T. IREDELL, Secretary and Treasurer.

At their first meeting, in 1859, one applicant was examined and granted license, viz :

Lucius C. Coke, M. D., Palmyra, Halifax county.

In 1860, seventeen licenses were granted and one refused.

In 1861, twelve licenses were granted.

In 1862, one license was granted and two refused.

There is no record of any meeting of the Board during the three following years.

In 1866, the second Board was elected :

Dr. N. J. PITTMAN, Tarboro, President.

“ E. BURKE HAYWOOD, Raleigh.

“ R. H. WINBORNE, Edenton.

“ S. S. SATCHWELL, Rocky Point.

“ J. J. SUMMERELL, Salisbury.

“ R. B. HAYWOOD, Raleigh.

“ M. WHITEHEAD, Salisbury.

“ WM. LITTLE was chosen Secretary and Treasurer.

Dr. WHITEHEAD resigned in 1868, and Dr. J. F. SHAFFNER, of Salem, was elected to fill the unexpired term.

In 1867, five licenses were granted.

In 1868, there is no record of any meeting. (*Seven licenses were granted.)

In 1869, eight licenses were granted.

In 1870, five licenses were granted.

In 1871, one license was granted.

In 1872, two licenses were granted.

The third Board was elected in 1872 :

Dr. CHARLES J. O'HAGAN, Greenville, President.

“ W. A. B. NORCOM, Edenton.

“ C. TATE MURPHY, Clinton.

“ GEORGE A. FOOTE, Warrenton.

“ J. W. JONES, Tarboro.

“ R. L. PAYNE, Lexington.

“ CHARLES DUFFY, Jr., Newbern, Secretary and Treasurer.

* According to the official report of the Medical Society of N. C., the Board of Examiners at the meeting in Warrenton, in 1868, licensed the following gentlemen: Drs. F. J. Haywood, Jr., Raleigh; Samuel Brietz, Salem; Chas. H. Barron, Edgecombe county; J. B. Williams, Warren county; Walter Debnam, Wake county; E. Porter, Onslow county; B. P. Alston, Warren county.

In 1873, nine licenses were granted and one refused.

In 1874, seven licenses were granted.

In 1875, thirteen licenses were granted.

In 1876, seven licenses were granted.

In 1877, fifteen licenses were granted.

In 1878, fifteen licenses were granted.

In 1878 the fourth Board was elected :

Dr. P. E. HINES, Raleigh, President.

“ T. D. HAIGH, Fayetteville.

“ R. I. HICKS, Williamsboro.

“ GEORGE L. KIRBY, Goldsboro.

“ THOMAS F. WOOD, Wilmington.

“ JOS. GRAHAM, Charlotte.

“ H. T. BAHNSON, Secretary and Treasurer.

In 1880 Dr. R. I. HICKS resigned his position, and Dr. RICHARD H. LEWIS, of Raleigh, elected to fill the vacancy.

In 1879, thirty-four licenses were granted—five refused.

In 1880, twenty-six licenses were granted—seven refused.

In 1881, thirty-eight licenses were granted—five refused.

In 1882, twenty licenses were granted—five refused.

In 1883, thirty-one licenses were granted—one refused.

In 1884, thirty-four licenses were granted—two refused.

One license was rescinded on account of grossly immoral conduct of the recipient.

Previous to the organization of the present Board a branch of medicine was assigned to each Examiner, who for the six years of his term conducted examinations on that branch alone. The present Board, at its first meeting, instituted a system of rotation, so that each member would examine on a different branch each year. The first examination of the applicant for license was conducted privately by each Examiner. The notes of these examinations were afterwards compared at a meeting of the whole Board, and the result determined by vote. In cases where a re-examination was required, this was conducted before the whole Board, and a member of the Board was selected by the President to examine on such branches as had at the first examination been assigned to other members of the Board. The fairness of this method cannot be questioned, and the unanimity of opinion thus acquired by the whole Board, in the case of each applicant examined, was most remarkable. In the light of these explanations the following tabulated statement is interesting :

From University of New York.....	21	graduates licensed, none refused.		
“ Bellevue Hospital Medical College.....	21	“ “ “ “	“	“
“ Jefferson Medical College.....	21	“ “ “ “	“	“
“ University of Virginia.....	5	“ “ “ “	“	“
“ Medical College of South Carolina.....	6	“ “ “ “	I	“
“ University of Maryland.....	29	“ “ “ “	“	“
“ University of Pennsylvania.....	5	“ “ “ “	“	“
“ Long Island College Hospital.....	2	“ “ “ “	“	“
“ Philadelphia University.....	1	“ “ “ “	“	“
“ University of Edinburg, Scotland.....	1	“ “ “ “	“	“
“ Harvard College.....	1	“ “ “ “	“	“
“ Medical College of Richmond, Va.....	1	“ “ “ “	“	“
“ University of Iowa.....	1	“ “ “ “	“	“
“ Coll. Physicians and Surgeons, N. Y.	2	“ “ “ “	“	“
“ Washington University, Baltimore.....	15	“ “ “ “	3	“
“ Coll. Physicians and Surgeons, Balt.....	25	“ “ “ “	4	“
“ Louisville Medical College.....	11	“ “ “ “	I	“
“ Kentucky School of Medicine.....	1	“ “ “ “	I	“
“ Baltimore Medical College.....	1	“ “ “ “	I	“
“ Central Univ., Louisville, Ky.,.....	0	“ “ “ “	I	“
“ Edenboro College, N. C.....	0	“ “ “ “	I	“
“ Vanderbilt University, Nashville.....	3	“ “ “ “	I	“
“ University of Tenn., Nashville.....	0	“ “ “ “	I	“
“ Atlanta Medical College.....	1	“ “ “ “	I	“
Non-graduates.....	9	“ “ “ “	9	“
Total.....	183		25—208.	

RECAPITULATION.

The first Board of Medical Examiners examined thirty-four applicants, granted license to thirty-one and refused three.

The second Board granted twenty-one licenses.

The third Board granted sixty-six licenses and refused one.

Under these three Boards, therefore, a total of one hundred and twenty-two were examined, of whom one hundred and eighteen received license.

[NOTE.—It is probable that no accurate record was kept of applicants who were refused license.]

During the six years of its existence the fourth Board of Medical Examiners has examined two hundred and eight applicants for license. To one hundred and eighty-three of these licenses were granted. Twenty-five were found unfit to receive license, and of this number sixteen were graduates of chartered medical schools.

In conclusion, the Board return their sincere thanks to the Medical Society, the Press and the people of the State for their cordial support and co-operation. They have endeavored to do their duty without fear, favor or prejudice, and now resign their trust into the hands of those from whom, six years ago, they received it. They

retire from their arduous and most unpleasant field of labor with the belief that their conscientious effort to maintain the standard of medical education and protect the people of their State against ignorance and incompetency have not been in vain.

Respectfully submitted,

P. E. HINES, M. D., President.

T. D. HAIGH, M. D.,

GEO. L. KIRBY, M. D.,

THOMAS F. WOOD, M. D.,

JOS. GRAHAM, M. D.,

RICHARD H. LEWIS, M. D.,

HENRY T. BAHNSON, M. D., Secretary.

RALEIGH, N. C., May 22, 1884.

It may not fully appear to the non-professional reader in what way this report indicates service of value to the people of the State, and some explanation will be entered upon.

Early in the history of the State, even at the beginning of the present century there were few men practicing medicine who did so by virtue of a diploma from a Medical College. Medical education was difficult to obtain. There were no railroads, and it was necessary to make a long journey to Philadelphia by private conveyance or stage, to reach the only Medical College in the country. The people in their distress sought aid from the more intelligent of their neighbors, who possessed a meagre knowledge of medicine obtained from the very scarce works on practice then in circulation. Some of these became in the end useful and successful practitioners. This was a necessity of our pioneer communities. Later, as time passed by, and medical colleges increased, and the demand for doctors increased, competition among some of these colleges got to be very shameful. The public have had a rehearsal of the culmination of this outrage in the Buchanan School, of Philadelphia; but this was not the only example. None knew better than the physicians themselves who had attended these medical colleges, how imperfect the scheme of education was, how utterly destitute the students were of

disciplinary restraint, and how rare a thing it was for any student to come away without a diploma. Many schools there were, of course, which maintained discipline, and insisted upon a standard of acquirements, but unfortunately for the public there was no test to apply to any given graduate, to determine the standing of his college. Furthermore, the large number of persons practicing without a diploma at a time after a medical education was easier to get, included some very shameless quacks; but at the same time it numbered a respectable body of highly experienced men, invaluable to their communities. It was with a full understanding of these points that the friends of the law saw the injustice of demanding a retroactive application, had it been constitutional.

Nothing shows more plainly that the medical profession had well considered its course, than the result of the examinations of the several State Boards. Had the law been more imperative in its demands, requiring that the candidate should receive the entire vote of the Board, the list of successful examinations would have been much reduced.

We learn by this report that the Board found 25 *doctors out of a total of 183, examined in six years, who could not pass a practical examination, although sixteen of that number held diplomas from regularly chartered medical colleges.* When we consider that there are a great many doctors who although coming into practice since 1859, have not appeared before the Board, it is reasonable that the number of incompetent doctors now plying their avocation would swell the number of rejections to more than double. Who are the sufferers by such a state of things? Surely not the regular physicians who have received training and an approved education, but the unsuspecting men, women and children. Is it not very clear that the law was a wise one, and that it is, even in its imperfect condition, a tower of defense for the helpless sick people?

We claim that the law has accomplished :

1. A comparative defense of the people against uneducated doctors.

2. That it has stimulated the rising generation of students to a more diligent pursuit of their profession.

3. That it has made some of the medical colleges more careful in their personal attention to students, especially to the students from this State.

4. That it has materially added to the dignity and honor of the medical profession in the State.

5. That it has had a salutary influence upon other States in stimulating them to enact similar laws.

Many States in the Union have followed our lead, some of them going far ahead of us in the construction of the law, and some of them falling below; but all of them striving with the same intent, of improving the professional qualities of physicians.

This brings us now to a very important point in the history of our law, and as we will be able to show, we have soon to act upon the defensive by reason of the "*Law to Regulate the Practice of Medicine and Surgery*," enacted by the General Assembly of Virginia in 1884. We give below a copy of this law :

ACT TO REGULATE THE PRACTICE OF MEDICINE AND SURGERY.

Be it enacted by the General Assembly of Virginia :

1. There shall be for this State a Board of Medical Examiners, consisting of three members from each Congressional District in the State, and two from the State at large, whose terms of office shall be four years, or until their successors are appointed and qualified. The term of office of the Board first appointed shall commence on the first day of January, 1885.

2. The said Board shall consist of men learned in medicine and surgery, and shall be appointed by the Governor on the first day of November, 1884, and every fourth year thereafter, from a list of names to be recommended by the Medical Society of Virginia. Va-

cancies occurring in such Board for unexpired terms shall be filled in the same manner. Such recommendations shall be by the votes of a majority present at some meeting of said Society, and the same shall be certified to the Governor by the President and Secretary of such meeting : *Provided, however,* that in case such Society fail to make such recommendations prior to the time of appointment, or if the Governor shall, in any case, consider the person so recommended, or any of them, unsuitable, then he shall appoint such Board, either in whole or in part, without regard to such recommendations.* If any of said Examiners shall cease to reside in the district for which he was appointed, it shall vacate his office.

3. The members of said Board of Medical Examiners shall qualify and take usual oath of office before the county or corporation court of the county or corporation in which they shall respectively reside. The officers of said Board shall be a President, Vice-President, and Secretary (who shall also act as Treasurer)—such officers to be members of and elected by said Board. The first meeting of the same shall be at Richmond, at such time as the Governor shall notify the members by mail to assemble. Subsequent regular meetings shall be at such times and places as the Board may prescribe, and special meetings may be had upon the call of the President and two members; but there shall not be less than one regular meeting per annum. Five members of said Board shall be a quorum ; said Board may organize at its first meeting, and may, at its first or any subsequent meeting, prescribe rules, regulations and by-laws for its proceedings and government, and for the examinations of candidates for the practice of medicine and surgery by its individual members.

4. It shall be the duty of said Board, at any of its meetings, and of the individual members of said Board, at any time, to examine all persons making applications to them, who shall desire to commence the practice of medicine or surgery in this State. When the examination is by an individual member of the Board, he shall report the result of the same to the President thereof; and when an applicant shall have passed an examination satisfactory as to proficiency before three individual members of said Board, or before the Board in session, the President thereof shall grant to such applicant certificate to that effect. A fee to be prescribed by said Board, but not to exceed five dollars, shall be paid to said Board (through such officers or members as it may designate,) by each applicant before such examination is had. In case any applicant shall

* Amended then, so as to give the State Medical Society three months in which to make new nominations.

fail to pass a satisfactory examination before the Board or before the three individual members to whom he shall first apply, he shall not be permitted to stand any further examination within the next three months thereafter: *Provided, however*, no applicant shall be rejected upon his examination on account of his adherence to any particular school of medicine or system of practice, nor on account of his views as to the method of treatment and cure of diseases.

5. The fund realized from the fees aforesaid shall be applied by the Board towards its expenses, including a reasonable compensation to the President and Secretary.

6. Any person who shall obtain a certificate as aforesaid from the President of said Board, shall cause his name to be registered in the Clerk's office of the county or corporation court for the county or corporation in which he shall resides, and it shall be the duty of said Clerk to register the name of every such person presenting such certificate, together with the date thereof and the name of the President of the Board signing the same, in a book kept for that purpose as a part of the records of his court, which shall also give the date of each registration, and his fee for each registration shall be one dollar, to be paid by the person whose name is registered.

7. No person who shall commence the practice of medicine or surgery after the first day of January, 1885, shall practice as a physician or surgeon for compensation without having first obtained a certificate and caused his name to be registered as aforesaid. Any person violating the provisions of this section shall pay a fine of not less than fifty nor more than five hundred dollars for each offence, and shall be debarred from receiving any compensation for services rendered as such physician or surgeon.

8. Any person who shall have been assessed with a license tax as a physician or surgeon by any commissioner of the revenue in this State at any time prior to the first day of January, 1885, shall be taken as having commenced the practice of medicine or surgery prior to that date; but any person who shall not have been assessed shall be taken as not having commenced such practice prior to that date.

9. Any physician or surgeon who shall commence to practice after the first day January, 1885, and who shall reside in an adjoining State within ten miles of the boundary lines of this State, shall be entitled to stand the examination and receive the certificate hereinbefore provided for, and such certificate shall be registered as hereinbefore provided—in that county in this State which is nearest his place of residence; and such certificate and registration shall make it lawful for him to practice medicine and surgery.

10. Nothing in this act shall be taken as including or affecting in any way the practice of dentistry, nor shall it include physicians or surgeons residing in other States and called in consultation in a special case with a physician or surgeon residing in this State; nor shall it be construed as affecting or changing in any way the laws in reference to the license tax to be paid by physicians, surgeons and dentists.

It will be observed that section 7 of the above law inflicts a penalty upon any person who shall attempt to practice as a physician or surgeon for compensation after the 1st day of January, 1885, without first procuring the license of the Virginia Board.

Now let us put equivalent sections of the North Carolina and Virginia law side by side, that they may be the better understood :

NORTH CAROLINA LAW.

SEC. 2. *Be it further enacted*, That from and after the 15th day of April, 1859, no person shall practice medicine or surgery, or any of the branches thereof, or in any case prescribe for the cure of diseases for fee or reward, unless he or they shall have been first licensed to do so in the manner hereinafter described : *Provided*, That no person who shall practice in violation of this act shall be deemed guilty of a misdemeanor.

SEC. 15. *Be it further enacted*, That any person who shall practice medicine or surgery in this State without having first applied for and obtained license from said Board of Examiners as provided for by this act, shall not be entitled to sue for or recover before any magistrate or court in this State any medical bill for services rendered in the practice of medicine or surgery or any of the branches thereof.

VIRGINIA LAW.

7. No person who shall commence the practice of medicine or surgery after the first day of January, 1885, shall practice as a physician or surgeon for compensation without having first obtained a certificate and caused his name to be registered as aforesaid. Any person violating the provisions of this section shall pay a fine of not less than fifty nor more than five hundred dollars for each offence, and shall be debarred from receiving any compensation for service rendered as such physician or surgeon.

It becomes apparent that in North Carolina there is no penalty against this admitted violation of the law, except that the violator shall be deprived of collecting his fees, and all shrewd people will see that this is a minor contingency. Fortunately, public opinion has been, of late, holding the lash over the unlicensed with some degree of earnestness, which will doubtless increase if the executors of the law as it now is, pursue their duty with the intense earnestness which they have shown in the past.

The Virginia law punishes the violator with a fine, and so gives the sort of emphasis to its meaning which the duller people can understand. But what must be the result of Virginia's action as far as this State is concerned? It is not difficult to make out. The unlicensed from that State will seek a field where they can ply their business with only a little more care as to getting their fees, and so avoid all penalties. As our business and social relations are more intimate with that State than any other, North Carolina will become as of old, the asylum for unsuccessful or rebellious Virginians, and we will have her half educated, uneducated and quackish doctors added to our own dismal list, and the sufferers will be the innocent, the ignorant, the unwary sick of all sexes and races.

It is no imaginary evil, therefore, that we are combatting. Our own law must be made stronger. Our Legislature must take out that negative expression from the proviso of the 2d section of our law, and cause it to read: "*That any person who shall practice in violation of this act shall be guilty of a misdemeanor.*"

Is that demand unreasonable? Let us examine what other States besides Virginia have enacted upon this point. Here is a part of the ALABAMA law upon the subject, dated 1877:

Be it enacted by the General Assembly of Alabama:

SECTION 1. That no person, except those proposing to practice some irregular system of medicine, shall be permitted to practice

medicine in any of its branches or departments as a profession and means of livelihood in this State, without having obtained a certificate of qualification from some authorized Board of Medical Examiners, as hereinafter provided.

SEC. 2. That no person shall be permitted to practice any irregular system of medicine in any of its branches or departments as a profession or means of livelihood, in this State, without having obtained a diploma or certificate of qualification in anatomy, physiology, chemistry and the mechanism of labor from some authorized Board of Medical Examiners, as hereinafter provided.

* * * * *

SEC. 6. That any person practicing medicine in this State in violation of any of the provisions of this act shall be guilty of a misdemeanor, and, upon conviction thereof before any court having competent jurisdiction, shall be fined in the sum of not more than one hundred dollars for every such offense; and if the fine so imposed be not immediately paid, said person shall be imprisoned in the county jail for not more than one year for such offense.

ARKANSAS, in 1881, enacted a law to regulate the practice of medicine, in terms similar to Alabama. Here is the penalty clause of that act:

SEC. 11. Any person who shall hereafter engage in the practice of medicine and surgery, or either, in this State, without being registered under this act, shall be deemed guilty of a misdemeanor, and upon conviction, in any court having jurisdiction of the laws of this State, shall be fined in any sum not less than ten nor more than one hundred dollars. And each day said physician shall practice medicine, without being registered, as hereinbefore required, shall be deemed a separate offense.

CALIFORNIA, in 1876, enacted a law to regulate the practice of medicine and surgery, from which we quote the following penalty clauses:

Any person practicing medicine or surgery in this State, without first having procured a certificate to so practice from one of the Boards of Examiners appointed by one of the Societies mentioned in section two of this act, shall be deemed guilty of a misdemeanor,

and shall be subject to the penalties provided in section thirteen of the act to which this act is amendatory and supplemental.

The penalty referred to is as follows :

Any person practicing medicine or surgery in this State, without complying with the provisions of this act, shall be punished by a fine of not less than fifty dollars (§50), nor more than five hundred dollars (§500), or by imprisonment in the county jail for a period of not less than thirty days nor more than three hundred and sixty-five days, or by both such fine and imprisonment, for each and every offense; and any person filing or attempting to file, as his own, the the diploma or certificate of another, or a forged affidavit of identification, shall be guilty of felony, and, upon conviction, shall be subject to such fine and imprisonment as are made and provided by the statutes of this State for the crime of forgery.

To meet another class of offenders, a class that so often traverses our State depleting the pockets of the ignorant, California enacted another section in the same law already quoted from as follows :

Any itinerant vender who shall sell or offer for sale any drug, nostrum, ointment, or appliance of any kind intended for the treatment of disease or injury; or any person who shall, by writing or printing, or by any other method, publicly profess to cure or treat disease, injury or deformity by any medicine, drug or drugs, nostrum, manipulation, or other expedient, shall pay a license of one hundred dollars a month. Such license shall be collected as other licenses are.

GEORGIA, in 1881, passed a law known as a "*Registration Law*," and for a violation of its requirements, enacted the following penalty :

SEC. 5. * * * That any person who violates either of the four preceding sections of this act, or who shall practice or offer to practice medicine without lawful authority, or under cover of a diploma or license illegally obtained, shall be deemed guilty of a misdemeanor, and, on conviction, shall be punished by a fine of not less than one hundred dollars nor more than five hundred dollars, or by

imprisonment for not less than thirty nor more than ninety days, or both. The fine, when collected, shall be paid the one-half to the person, persons or corporation making the complaint, the other half into the county treasury.

ILLINOIS has a law (it is a registration law) for the Regulation of the Practice of Medicine, which has done a great deal to encourage and stimulate all the States in the Union having a similar population to deal with. Its management is a part of the duty of the State Board of Health. That is verifying and registering their diplomas, or standing an examination. The penalty clauses of this law are as follows:

LICENSE TO ITINERANT VENDERS :

SEC. 12. Any itinerant vender of any drug, nostrum, ointment or appliance of any kind, intended for the treatment of disease or injury, or shall, by writing or printing, or any other method, publicly profess to cure or treat diseases, injury or deformity by any drug, nostrum, manipulation or other expedient, shall pay a license of one hundred dollars a month, to be collected in the usual way.

PENALTIES FOR NON-COMPLIANCE WITH THIS ACT:

SEC. 13. Any person practicing medicine or surgery in this State without complying with the provisions of this act, shall be punished by a fine of not less than fifty dollars nor more than five hundred dollars, or by imprisonment in the county jail for a period of not less than thirty days nor more than three hundred and sixty-five days, or both such fine and imprisonment, for each and every offense; and any person filing or attempting to file, as his own, the diploma or certificate of another, or a forged affidavit of identification, shall be guilty of a felony, and, upon conviction, shall be subject to such fine and imprisonment as are made and provided by the statutes of this State for the crime of forgery, but the penalties shall not be enforced till on and after the thirty-first day of December, eighteen hundred and seventy-seven: *Provided*, that the provisions of this act shall not apply to those that have been practicing medicine ten years within this State.

KENTUCKY, in 1874, enacted a law Regulating the Practice of Medicine which requires the verification of a medical

diploma, and under certain conditions an examination before a Board of Medical Examiners. The penalty clause in this act is as follows:

SEC. 8. Any person living in this State, or any person coming into this State, who shall practice medicine or attempt to practice medicine, in any of its departments, or who shall perform or attempt to perform any surgical operation, for or upon any person within the limits of this State, for reward or compensation, in violation of the provisions of this act, shall, upon conviction thereof, be fined fifty dollars, and upon each and every subsequent conviction be fined one hundred dollars and imprisoned thirty days, or either, or both, in the discretion of the jury; and in no case where the provision of this act has been violated, shall the person so violating be entitled to receive compensation for services rendered.

LOUISIANA has recently (1882) enacted a Registration Law, and any person practicing medicine or surgery in the State in violation of the law comes under the following penalty clause:

SEC. 6. That any practitioner of medicine or surgery, failing to comply with the requirements of this act, shall not be exempt from jury or militia duty, nor be permitted to collect any fees or charges for services rendered, nor be allowed to testify as a medical or surgical expert in legal or State medicine in any court of this State, nor to execute any certificate as a surgeon or physician, nor to hold any medical office, nor to be recognized by the State or any parish or municipal corporation as a physician or surgeon; nor shall he be entitled to enjoy any of the privileges, rights or exemptions granted to physicians or surgeons by the laws of this State; and moreover, he shall forfeit and be liable to a penalty of one hundred dollars for each and every violation of this act, and for each and every time he so violates it, said sum or sums to be recovered in a civil action to be brought before any court of competent jurisdiction, in the name and for the benefit of the Charity Hospital at New Orleans; and he shall, in addition thereto, be subject to criminal prosecution and be punished in the manner prescribed by law for violations of this act.

MISSISSIPPI passed a law Regulating the Practice of Medicine in 1882, requiring every person intending to pursue

medical practice in that State to take out a license. The following is the penalty clause of this act:

SEC. 23. That every person or persons offending against the provisions of this act shall be guilty of a misdemeanor, and upon conviction thereof, shall, for each offence, be fined in a sum of not less than fifty nor more than five hundred dollars, or be imprisoned in the county jail not less than ten nor more than thirty days, or both such fine and imprisonment at the discretion of the court.

The State of TEXAS enacted the following penalty in 1879:

ART. 396. If any person shall practice for pay, or as a regular practitioner of medicine in this State, in any of its branches or departments, or offer or attempt to practice, without first having obtained a certificate of professional qualifications from some authorized Board of Medical Examiners, or without having a diploma from some accredited Medical College, chartered by the Legislature of the State or its authority, in which the same is situated, he shall be punished by fine of not less than fifty nor more than five hundred dollars.

ART. 398. If any person shall hereafter engage in the practice of medicine in any of its branches or departments, for pay or as a regular practitioner, without having first filed for record with the Clerk of the District Court of the county in which such person may reside or sojourn, a certificate from some authorized Board of Medical Examiners, or a diploma from some accredited Medical College, he shall be punished as prescribed in Art. 396.

WEST VIRGINIA enacted a law in 1882, making the State Board of Health the Board of Examiners, and the Regulation of the Practice of Medicine, according the law, is executed by the said Board. The penalty clause in this act is as follows:

SEC. 15. If any person shall practice, or attempt to practice medicine, surgery or obstetrics in this State without having complied with the provisions of section nine (9) of this chapter, except as therein provided, he shall be guilty of a misdemeanor and fined for

every such offense not less than fifty nor more than five hundred dollars, or imprisoned in the county jail not less than one month nor more than twelve months, or be punished by both such fine and imprisonment, at the discretion of the court. And if any person shall file or attempt to file as his own, the diploma or certificate of another, or shall file or attempt to file a false or forged affidavit of his identity, or shall wilfully swear falsely to any question which may be propounded to him on his examination, as herein provided for, or to any affidavit herein required to be made or filed by him, he shall, upon conviction thereof, be confined in the penitentiary not less than one nor more than three years, or imprisoned in the county jail not less than six nor more than twelve months, and fined not less than one hundred nor more than five hundred dollars at the discretion of the court.

It will be seen that North Carolina stands alone in having a law regulating the practice of medicine, devoid of an important penalty clause. It will also be seen that the laws regulating the practice of medicine in the different States, with the exception of this State, are of recent date, indicating to all thinking people that they were dictated by the necessities of the times, and indicating, furthermore, that the action of one State necessitated the action of others as a matter of self-defence, to prevent the influx of rejected doctors from other States.

In estimating the legal bearing of medical examinations, too little thought has been given to analagous provisions for the practice of other professions.

From the earliest day, candidates desirous of engaging in the practice of law were required to come before the Supreme Court and undergo an examination. During the recent revolution succeeding our civil war, this provision was annulled, and the only requirement of the statute was that the candidate should pay \$20 and be endorsed by members of the bar. Subsequently, the original requirement of an examination by the Supreme Court was re established, and for the very good reason that it was necessary to base the admission to a responsible and learned profession like

the law upon educational qualifications. It was very apparent that a certain result would follow the removal of educational restrictions, viz: that of overcrowding the legal profession with uneducated, and half educated, and sometimes unprincipled men. It needs no argument to prove to the people, that the present practice of only admitting lawyers to the bar after an examination, is a necessary provision, not only for the maintenance of the profession of the law at a high standard, but of protection to the people.

There is another which we will cite, that of the Teaching Profession. The law provides for the examination of persons intending to teach our public schools. This is as it should be. Teachers of competent qualifications cannot be judged of by letters of recommendation. There must be a legally constituted authority who must determine who may, and who shall not teach our children.

The professions of Pharmacy and Dentistry have also their safeguards designed for the protection of the interests of the people and for the advancement of these indispensable branches of art and science. They are growing yearly in importance, and fulfilling in a marked degree the predictions of their founders.

Look in whatever direction we may, we find that the spirit of the times demands more of the professions. The rapid growth of learning is increasing the responsibilities of those engaged in them.

Our own State has solemnly declared by the law, as regards the medical profession, that those persons who engage in practice shall prove a competent knowledge of medicine in all its branches by an examination before a Board of Examiners, thus admitting the necessity of protection from an unlearned and unskilful profession, but at the same time failing to protect those candidates who, with commendable State pride and professional honor, seek to obey the behests of the law.

We say, in conclusion, that having demonstrated the earnestness and zeal of the medical profession by the exhibition of accomplished work, done in the interests of the entire population, we ask for a studious consideration of our needs. We have already done far more for the State than the State has done for herself in shaping the character of the medical profession, and we trust that she will strengthen us by revising the law under which we work.

